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6 **DOUGLAS GILLESPIE, CLARK COUNTY**  
**DETENTION CENTER and KATHRYN BUSSELL**

7 UNITED STATES DISTRICT COURT

8 DISTRICT OF NEVADA

JAD

9 GILBERTO CARRILLO, JR.,

Case No.: 2:12-cv-02165-~~JCM~~-VCF

10 Plaintiff,

**DEFENDANTS' MOTION TO EXTEND  
DISPOSITIVE MOTION DEADLINE**

11 vs.

**(2<sup>nd</sup> Request)**

12 SGT. K. BUSSELL, LVMPD; CLARK  
COUNTY DETENTION CTR.; R.  
13 CHRISTOPHERSON, LVMPD; DWAIN  
COTWRIGHT, HDSP; LVMPD NURSE  
14 "DARLYL"; RAUL DIAZ, HDSP; J. FERRY,  
LVMPD; CLARK COUNTY SHERIFF D.  
15 GILLESPIE; SGT. FRANCIS J. KIM, HDSP;  
NDOC thru HDSP D. NEVEN; SGT. QUINN,  
16 HDSP; M. RAZO, LVMP; A. RITZ, et al.,

**(EMERGENCY EXPEDITED REQUEST)**

17 Defendants.

18  
19 Defendants SHERIFF DOUGLAS C. GILLESPIE ("Gillespie), Clark County Detention  
20 Center ("CCDC") and Kathryn Bussell ("Bussell" and collectively, "Defendants") by and  
21 through their counsel, Kaempfer Crowell, hereby move for an Order extending the deadlines for  
22 filing dispositive motions and the joint pre-trial order in this matter. This is Defendants' second  
23 request for an extension of the dispositive motion deadline<sup>1</sup>. This Motion is based on Federal  
24

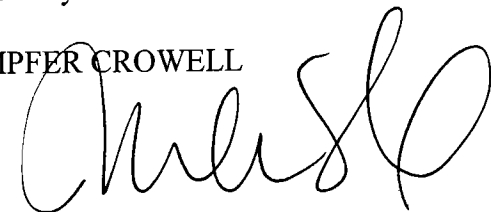
<sup>1</sup> This Court has not yet ruled on the pending Motions to Dismiss since the Court granted Defendants' first request to extend the dispositive motion deadline.

Rule of Civil Procedure 26 and Local Rule 26-4, the pleadings and papers on file herein, the following memorandum of points and authorities and any such oral argument as may be set.

DATED this 24<sup>th</sup> day of February 2014.

KAEMPFFER CROWELL

BY:

  
LYSSA S. ANDERSON (Nevada Bar No. 5781)  
8345 West Sunset Road, Suite 250  
Las Vegas, Nevada 89113

*Attorneys for Defendants*

**DOUGLAS GILLESPIE, CLARK COUNTY**

**DETENTION CENTER and KATHRYN BUSSELL**

**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. PROCEDURAL HISTORY**

In the interest of brevity, Defendants refer to the Procedural History set forth in Defendants' Motion to Extend Dispositive Motion Deadline (1<sup>st</sup> Request) filed on December 18, 2013, [Docket No. 127], as if fully incorporated herein.

Since the filing of Defendants' Motion to Extend Dispositive Motion Deadline, [Docket No. 127], this Court entered an Order on January 2, 2014 denying Plaintiff's Motion to Extend Discovery, [Docket No. 122], and extending the dispositive motion deadline pursuant to Defendants' Motion, [Docket No. 127], to March 2, 2013. To date, the Court has not yet ruled on the pending Motions to Dismiss cited in the Court's January 2, 2014 Order, [Docket Nos. 63 and 92]. As the deadline is fast approaching, emergency expedited review of this Motion is requested.

**II. AN EXTENSION IS WARRANTED.**

Good cause is shown for this extension. As set out in the Procedural History of the prior to Motion to Extend Dispositive Motion Deadline, two (2) of the three (3) Defendants seeking to

1 extend the deadline have pending Motions to Dismiss. It is anticipated that once the Court rules  
2 on the Motions to Dismiss, the breadth of dispositive motions will be significantly lessened. As  
3 the Court has not yet ruled on the Motions to Dismiss, Defendants respectfully request that the  
4 deadline be further extended to enable the Court time to consider the matters pending.

### 5 **III. DISCOVERY.**

#### 6 **1. Discovery Completed To Date.**

7 Defendants have concluded all discovery in this matter. Moreover, pursuant to this  
8 Court's January 2, 2014 Order, no further extensions of discovery will be granted. Therefore,  
9 discovery closed on December 3, 2013.

#### 10 **2. Discovery To Be Completed.**

11 None.

#### 12 **3. Reasons Why Discovery Incomplete.**

13 As set out herein, Defendants seek an extension of the deadline for filing dispositive  
14 motions and the pre-trial order. This is to allow the Court to enter its rulings on the pending  
15 Motions to Dismiss. The Court has not ruled on the Motions to Dismiss since the deadline to file  
16 dispositive motions was last extended by this Court. Upon the same basis as set out in  
17 Defendant's first request to extend dispositive motions, granting this request is in the interest of  
18 the parties and this Court.

19 Lastly, Defendants recognize that they are requesting an additional brief extension for  
20 filing dispositive motions prior to the twenty-one (21) day deadline as set forth in LR 26-4.  
21 Defendants submit that excusable neglect exists to permit granting the instant requested  
22 extension. In evaluating excusable neglect, the court considers the following factors: (1) the  
23 reason for the delay and whether it was in the reasonable control of the moving party, (2)  
24 whether the moving party acted in good faith, (3) the length of the delay and its potential impact

on the proceedings, and (4) the danger of prejudice to the nonmoving party. See Pioneer Inv. Servs. Co. v. Brunswick Assocs., 507 U.S. 380, 395 S. Ct. 1489, 123 L.Ed.2d 74 (1993). Defendants anticipated that the Court would have made a ruling on the Motions to Dismiss prior to the extended deadline to file dispositive motions had expired. As the Court has not yet ruled on the Motions to Dismiss, excusable neglect exists.

#### 4. Proposed Dates.

Defendants request that the Scheduling Order be amended to reflect the following<sup>2</sup>:

<u>Activity</u>	<u>Current Date</u>	<u>Proposed Date</u>
Dispositive Motions	March 2, 2014	May 1, 2014
Proposed Joint Pretrial Order	April 3, 2014	June 2, 2014

#### IV. CONCLUSION

Defendants are not attempting to delay the conclusion of this matter by way of trial or otherwise; rather they are attempting to alleviate any unnecessary time and expense of the parties and this Court in preparing dispositive motions which contain issues likely resolved by way of a ruling on the pending Motions to Dismiss. No trial date has yet been ordered.

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<sup>2</sup> Defendants seek an additional sixty (60) days herein, or at a time ordered by this Court in line with a decision on the pending Motions to Dismiss.

1 For the reasons stated herein, Defendants submit that excusable neglect has been set forth  
2 in demonstrating Defendants' untimely request.

3 DATED this 24<sup>th</sup> day of February, 2014.

4 KAEMPFER CROWELL

5  
6 BY: 

LYSSA S. ANDERSON (Nevada Bar No. 5781)

8345 West Sunset Road, Suite 250

Las Vegas, Nevada 89113

*Attorneys for Defendants*

**DOUGLAS GILLESPIE, CLARK COUNTY**

**DETENTION CENTER and KATHRYN BUSSELL**

10  
11  
12  
13 IT IS SO ORDERED.



14  
15 UNITED STATES MAGISTRATE JUDGE

16 DATED: 2-28-2014

**CERTIFICATE OF SERVICE**

I hereby certify that service of the foregoing **DEFENDANTS' MOTION TO  
EXTEND DISPOSITIVE MOTION DEADLINE (2<sup>nd</sup> Request)** as made this date by  
depositing a true copy of the same for mailing at Clark County, Nevada, addressed to each of the  
following:

Gilberto Carrillo  
76681 ESP  
PO Box 1989  
Ely, NV 89301

Mercedes Menendez, Esq.  
555 E. Washington Ave., Suite #3900  
Las Vegas, NV 89101

DATED this 24<sup>th</sup> day of February, 2014.

  
an employee of Kaempfer Crowell